Gibson, Dunn & Crutcher LLP 1050 Connecticut Avenue N.W. Washington, D.C. 20036 Tel: 202-887-3681

DAVID FOTOUHI

EDUCATION

Harvard Law School, Cambridge, Massachusetts

Juris Doctor, May 2010

Honors: Dean's Award for Community Leadership (2010)

Involvement: Harvard Federalist Society (President, 2009–10); Harvard Law Record student newspaper;

Harvard Journal of Law & Public Policy (Executive Editor, 2009–10)

Vanderbilt University, Nashville, Tennessee

Bachelor of Arts in History and Political Science, summa cum laude, May 2007

Honors: Phi Alpha Theta History Honor Society; Pi Sigma Alpha Political Science Honor Society
Involvement: Vanderbilt Student Communications Board of Directors; Undergraduate Conduct Committee;

Vanderbilt College Republicans; *The Vanderbilt Torch* conservative commentary magazine; *Vanderbilt Undergraduate Research Journal*; Alpha Phi Omega National Service Fraternity

EXPERIENCE

Gibson, Dunn & Crutcher LLP, Washington, D.C.

Environmental Litigation and Mass Tort Associate

September 2011-present

Representative matters include:

- Defending a major government contractor in a RCRA civil enforcement and False Claims Act action in federal district court arising from the operation of a Department of Energy facility;
- Prosecuting multiple CERCLA actions against the United States on behalf of major defense contractors for recovery of costs incurred remediating soil and groundwater contamination at former defense installations and manufacturing facilities, including one action which involved examining expert and fact witnesses during a multi-week bench trial in federal district court;
- Defending a pulp and paper manufacturer in a Clean Air Act enforcement action, which included examining expert and fact witnesses during a multi-week bench trial in federal district court;
- Challenging a state's application for a Clean Air Act preemption waiver for its zero-emission vehicle regulations on behalf of a transportation trade association;
- Defending a pulp and paper manufacturer in state court against a mass tort action alleging that air emissions from the manufacturer's facility caused property damage and personal injuries;
- Defending in state trial and appellate courts a paper manufacturer in a multi-million dollar civil penalties action and two mass tort actions regarding alleged waterborne dioxin releases from a legacy disposal facility;
- Challenging a Surface Transportation Board rule in the Eighth Circuit on behalf of a railroad trade association;
- Defending a Class I freight railroad against a complaint filed with the Surface Transportation Board alleging statutory violations and substandard performance.

United States Court of Appeals for the Eighth Circuit, St. Louis, Missouri

Law Clerk to the Honorable Raymond W. Gruender

Drafted bench memoranda and assisted with drafting of legal opinions.

August 2010–August 2011

BAR ADMISSIONS

Texas; District of Columbia; U.S. District Court for the District of Columbia

PUBLICATIONS

- "Do CERCLA Cost Recovery And Contribution Rights Overlap?" (with M. Murphy), Law360 (Aug. 7, 2015)
- "11th Circuit's Message: Be Careful With Lone Pine Orders" (with M. Murphy), Law360 (Nov. 10, 2014)
- "CERCLA Recoveries Have A New Limit For Subcontractors," Law360 (May 6, 2014)
- "6th Circuit's Impact On EPA Review Of Source Modifications" (with S. Fletcher), Law360 (Apr. 8, 2014)
- "More CERCLA Recovery Hurdles For 'Compelled' Costs" (with M. Murphy), Law360 (Apr. 12, 2012)

INTERESTS